

MONTANA CHEMICAL DEPENDENCY CENTER POLICY AND PROCEDURE MANUAL

Policy Subject: Professional Legal Testimony	
Policy Number: PRP 11	Standards/Statutes: ARM 37.27.120
Effective Date: 01/01/02	Page 1 of 2

PURPOSE: To provide guidelines when presenting professional legal testimony either in person or in writing.

POLICY: The facility Administrator shall be immediately informed regarding any and all legal proceedings or requests involving patients or staff of this facility that involve court appearances or written response to legal proceedings. The Administrator will review the legal proceedings with the staff person involved and their immediate supervisor and provide advice on how to respond to the legal proceeding.

PROCEDURE:

- I. Any testimony regarding a patient, either verbally or in writing, is first and foremost protected under Federal Confidentiality Law, without a written release of information from the patient in question, or a court order for the record.
- II. You are obligated to respond to a court order when you have been served with one.
- III. When providing professional testimony, either in person or in writing, you are a representative of the State of Montana and Montana Chemical Dependency Center; your appearance, demeanor and response should reflect your professional status.
- IV. Medical records that may be required by court order, and leave the facility, must be released and certified by the Medical Records Administrator.
- V. The medical record must have an entry that indicates the circumstances, date and signature of the staff person involved in the legal proceedings surrounding the patient and the outcome of the

proceedings if known.

- VI. Any information provided for legal proceedings becomes a matter of legal record and as such, the information, verbal or written, must be clear, concise, factual, unbiased, unopinionated, professional and related only to information that is supported by documentation in the medical record.

Revisions:

Prepared By:	<u>David J. Peshek, Administrator</u>	<u>9/24/01</u>
	Name Title	Date

Approved By:	<u>David J. Peshek, Administrator</u>	<u>01/01/02</u>
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